

**ENTERED**

September 18, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ROSEMARIE PENA,

Plaintiff,

VS.

ANDREW SAUL,

Defendant.

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CIVIL ACTION NO. 2:19-CV-235

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Before the Court is Magistrate Judge Jason Libby's Memorandum and Recommendation (M&R). (D.E. 10). The M&R recommends that Plaintiff's motion for summary judgment be denied, the Commissioner's determination be affirmed, and Plaintiff's cause of action be dismissed. *Id.* at 1.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. Plaintiff filed objections to the M&R. (D.E. 15). Defendant responded to Plaintiff's objections. (D.E. 22). Having carefully reviewed the proposed findings and conclusions of the M&R, the record, the applicable law, and having made a de novo review of the portions of the M&R to which the Plaintiff's objections were directed, 28 U.S.C. § 636(b)(1), the Court **OVERRULES** Plaintiff's objections (D.E. 15). Accordingly, the Court:

(1) **ADOPTS** the M&R in its entirety. (D.E. 10).

(2) Plaintiff's motion for summary judgment (D.E. 8) is **DENIED**.

(3) The Commissioner's determination is **AFFIRMED**.

(4) Plaintiff's cause of action is **DISMISSED**.

SIGNED and ORDERED this 18th day of September 2020.

A handwritten signature in black ink, appearing to read 'DSM', is written over a horizontal line.

DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE